

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.,

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**UNOPPOSED MOTION TO WITHDRAW MOTION TO CORRECT OR, IN THE
ALTERNATIVE, TO AMEND JUDGMENT**

Defendants Newegg Inc., Newegg.com Inc., and Rosewill Inc. (the “Newegg Defendants”), respectfully submit this unopposed motion to Withdraw their Motion to Correct or, in the Alternative, to Amend Judgment (Dkt. No. 763) (“Motion to Correct/Amend”) so that the parties may proceed with their respective appeals in this matter. In support of the instant motion, the Newegg Defendants state as follows:

On September 27, 2012, the Court entered an Order (Dkt. No. 720) granting Plaintiff’s Unopposed Motion to Dismiss the Newegg Defendants (Dkt. No. 719). On, October 11, 2012, the Newegg Defendants, as prevailing parties, filed their unopposed Bill of Costs (Dkt. No. 726), and on the following day, the Newegg Defendants filed their Sealed Opposed Motion for Declaration of Exceptional Case and Award of Fees and Non-Taxable Expenses (the “Exceptional Case Motion”).

The Court denied the Newegg Defendants’ Exceptional Case Motion in its Order of August 19, 2013 (Dkt. No. 761), and on August 20, 2013, the Court entered Final Judgment and ordered that “[a]ll costs are to be borne by the party that incurred them.” (Dkt. No. 762.) On September 5, 2013,

the Newegg Defendants filed their Motion to Correct/Amend the Court's Final Judgment to include an award of unopposed costs to the Newegg Defendants. (Dkt. No. 763.)

On September 17, 2013, AdjustaCam and the Newegg Defendants each filed notices of appeal. (Dkt. Nos. 764, 765.) On September 20, 2013, the appeals were docketed by the United States Court of Appeals for the Federal Circuit. (Dkt. Nos. 770, 771, 772), and on October 2, 2013, the Court of Appeals for the Federal Circuit deactivated the appeals pending resolution of the Motion to Correct/Amend. (*See* Notice, Dkt. No. 778.) In its October 2, 2013 Notice, the Court of Appeals requested that this Court "transmit a certified copy of the docket entries showing the disposition of the pending [Motion to Amend/Correct] in the case." (*Id.*)

The Newegg Defendants wish to withdraw their Motion to Correct/Amend and respectfully request an Order allowing them to do the same so that the above-referenced appeals may proceed.

DATED THIS 28th day of March, 2014.

PARSONS BEHLE & LATIMER

By /s/ Dana M. Herberholz

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Attorneys for Defendants

Newegg Inc., Newegg.com Inc., and Rosewill Inc.

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Defendants Newegg Inc., Newegg.com Inc., and Rosewill Inc. has conferred with counsel for Plaintiff in accordance with L.R. CV-7, and that Plaintiff does not oppose this motion.

Date: March 28, 2014

/s/ Dana M. Herberholz

Dana M. Herberholz

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who are deemed to have consented to electronic service are being served this 28th day of March, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission, and/or first class mail on this same date.

/s/ Dana M. Herberholz

Dana M. Herberholz